



Docket No.: 240819US2

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/626,608  
Applicants: Kunihiro AKIYOSHI, et al.  
Filing Date: July 25, 2003  
For: IMAGE FORMING APPARATUS, INFORMATION  
PROCESSING APPARATUS, PROGRAM  
EXECUTION METHOD AND PROGRAM  
PRODUCING METHOD  
Group Art Unit: 2625  
Examiner: QIN, YIXING

SIR:

Attached hereto for filing are the following papers:

**PROVISIONAL ELECTION OF SPECIES  
PETITION UNDER 37 C.F.R. §1.48(b)**

Our credit card payment form in the amount of \$130.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
James J. Kulbaski

Registration No. 34,648

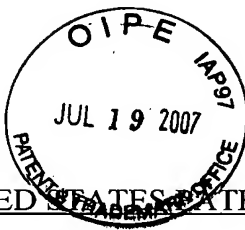
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DOCKET NO: 240819US2



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

KUNIHIO AKIYOSHI, ET AL. :

EXAMINER: QIN, YIXING

SERIAL NO: 10/626,608 :

FILED: JULY 25, 2003 :

GROUP ART UNIT: 2625

FOR: IMAGE FORMING APPARATUS,  
INFORMATION PROCESSING APPARATUS,  
PROGRAM EXECUTION METHOD AND  
PROGRAM PRODUCING METHOD

PETITION UNDER 37 CFR §1.48(B)

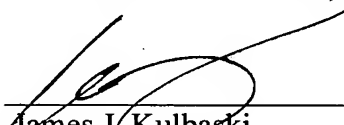
COMMISSIONER FOR PATENTS  
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SIR:

The correct inventors were named in the application when filed. By virtue of the Restriction Requirement electing Species IV, Figure 7, and identifying Claims 1, 3, 4, 6, 7, 9, 12-14, 16, 17, 19, 20, 22, 23, 25 and 28, less than all of the originally named inventors are the actual inventors of the invention presently being claimed. Specifically, the inventions of Mr. Kunihiro Akiyoshi, Mr. Yuuko Sugiura and Mr. Mitsuo Ando are no longer claimed in the application, and so it is respectfully requested that their names be deleted as inventors. The fee set forth in 37 C.F.R. 1.17(i) is attached.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
KUNIHIO AKIYOSHI, ET AL. : EXAMINER: QIN, YIXING  
SERIAL NO: 10/626,608 :  
FILED: JULY 25, 2003 : GROUP ART UNIT: 2625  
FOR: IMAGE FORMING APPARATUS, :  
INFORMATION PROCESSING  
APPARATUS, PROGRAM EXECUTION  
METHOD AND PROGRAM PRODUCING  
METHOD

PROVISIONAL ELECTION OF SPECIES

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction dated June 19, 2007, Applicants provisionally elect with traverse Species IV, Figure 7, and identifies Claims 1, 3, 4, 6, 7, 9, 12-14, 16, 17, 19, 20, 22, 23, 25 and 28 as readable on the provisionally elected species.

As an initial matter, Applicants respectfully submit that Species IX, upon which Claims 2 and 15 are readable, should also be included in the group corresponding to Species IV. Specifically, both of Figs. 7 and 14 show an example of a programming screen, and are clearly not patentably distinct from one another. Accordingly, Applicants respectfully submit that the election should include both Figs. 7 and 14, and submit that Claims 1-4, 6, 7, 9, 12-16, 17, 19, 20, 22, 23, 25 and 28 are readable on these two figures.

Further, Applicants traverse the outstanding requirement as the outstanding requirement has not established that a serious burden would be required if the requirement

was not issued and if all the claims in the application were examined together. More particularly, MPEP §803 states:

If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.

The claims of the present invention would appear to be part of an overlapping search area. Accordingly, the Applicants respectfully traverse the outstanding Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 1-105 be conducted.

Should the Examiner deem that a personal or telephone interview would be of assistance in advancing this application toward allowance, he or she is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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